

PENNINGTON COUNTY, SD  
BOARD OF COMMISSIONERS

BYLAWS AND RULES OF PROCEDURE



APPROVED: February 19, 2019  
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# PREFACE

Any reference to South Dakota Codified Law in these bylaws refers to statute(s) as currently enacted as of the date of adoption of these bylaws or as amended thereafter.

These bylaws are intended to provide general guidance in conducting the business of the Pennington County Commission and is not intended to be all-inclusive.

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## **ARTICLE I - BOARD ORGANIZATION**

- 1.1 **Board Membership.** Pennington County shall have a Board of Commissioners consisting of not less than three nor more than seven Members, each of whom shall be elected at a general election only. Any Commissioner who represents an even-numbered district shall run for election at the general election at which the President is elected; any Commissioner who represents an odd-numbered or unnumbered district shall run for election at the general election at which the Governor is elected. SDCL § 7-8-1. Pennington County is represented by a five (5) Member Board of Commissioners.
- 1.2 **Term of Commissioners.** The term of each Commissioner shall be for four (4) years commencing on the first Tuesday of January following election. SDCL § 7-8-1.
- 1.3 **Vacancies in Office.** The nomination and election of County Commissioners shall be by a vote of the voters of the district of which such candidate is a resident voter. However, if any County Commissioner moves from the district to which such person was elected or if any County Commissioner fails to attend the commission meetings for four consecutive months, the office shall be declared vacant and such vacancy shall be filled pursuant to SDCL chapter 3-4. SDCL § 7-8-2.

When a vacancy occurs in the Board of County Commissioners, it shall be the duty of the remaining Member or Members of such board to appoint immediately some suitable person to fill such vacancy from the district where the vacancy occurs. If there be an even number of County Commissioners remaining on the Board of County Commissioners, the County Auditor shall be called in and shall act as a Member of such board to fill such vacancy. SDCL § 3-4-4.

If a vacancy occurs within thirty days preceding an election day at which it may be filled, no appointment shall be made unless it be necessary to carry out such election and the canvass of the same according to law; in that case an appointment may be made at any time previous to such election to hold until after such election or until a successor is elected and qualified. SDCL § 3-4-5.

- 1.4 **Compensation of County Commissioners.** The method of payment, whether per diem or salary, and the amount of per diem or salary shall be determined by the Board of County Commissioners in each County. SDCL § 7-7-3.

If the per diem method is used, the County Commissioners shall be allowed the per diem amount for each day they are actually and necessarily employed in the duties and business relating to County affairs and the duties of their office and in attending and returning from sessions of the board. The County Commissioners shall be allowed mileage for the distance actually traveled in attending the meetings of the board, or when engaged in other official duties. The per diem shall be paid out of the general County fund. The per diem shall be set by the Commission on the first regular meeting

date in January of each year. SDCL § 7-7-3.

If the salary method is used, such salary may be set by the Board of County Commissioners at its first regular meeting of each year. If the Board of County Commissioners fails to determine a salary, then the salary of a County Commissioner in any one year is:

- (1) Seven thousand two hundred thirty-three dollars as per diem or salary in counties of thirty thousand population or over. SDCL § 7-7-5.

An individual Commissioner reserves the right to accept a lower amount or no compensation. He or she shall submit the amount requested in writing to the Commission Office Manager for submission to the Auditor's Office for payroll processing.

1.5 General Powers of County Commissioners. Per SDCL § 7-8-20, in addition to others specified by law, the Board of County Commissioners shall have power:

- 1) To institute and prosecute civil actions in the name of the County, for and on behalf of the County;
- 2) To make orders respecting the care and preservation of all property belonging to the County and to sell any real property of the County when authorized by law so to do;
- 3) To levy a tax not exceeding the amount authorized by law, and to liquidate indebtedness;
- 4) To audit the accounts of all officers having the care, management, collection or disbursement of any money belonging to the County or appropriated for its benefit;
- 5) To construct and repair bridges; to open, lay out, vacate, and change highways; to purchase or acquire grounds for courthouse, jail, or other building sites, locate or relocate the courthouse on such sites; to establish election precincts in its County and appoint the judges of election; and, as a Board of Equalization, to equalize the assessment roll of its County in the manner provided by law;
- 6) To furnish necessary blank books, blanks, and stationery for the County Auditor, Register of Deeds, County Treasurer, State's Attorney, Sheriff, and other elected or appointed County Officers, to be paid out of the County treasury; also a fireproof safe or vaults, when in its judgment the same shall be advisable, in which to keep all the books, records, vouchers, and papers pertaining to the business of the board;
- 7) To superintend the fiscal concerns of the County and secure their management in the best possible manner;
- 8) To regulate the transaction of business in alcoholic beverages and the use and consumption of alcoholic beverages, to establish the number of on-sale licenses which may be issued, to provide for reasonable classification of on-sale licenses

- and fix the fees to be charged for the licenses consistent with the provisions of SDCL Title 35;
- 9) To make ordinances prohibiting the sale or exhibition of any obscene matter; however, no County resolution shall be effective in any incorporated area within said County;
  - 10) To do and perform such other duties and acts as it is or may hereafter be required to do and perform;
  - 11) To provide additional compensation to the County treasurer, County Auditor, County register of deeds, state's attorney, and sheriff. This compensation shall be in addition to the salaries prescribed in SDCL §§ 7-7-9.1, 7-7-12, and 7-12-15;
  - 12) To provide office space, in addition to that provided in the County courthouse, for state's attorneys, appointed officials of the County and other employees;
  - 13) To receive and administer grants, loans and assistance and to enter into agreements for cooperative action, with or on behalf of any public agency or nonprofit organization, to establish, promote and support community development;
  - 14) To enact ordinances to regulate and prevent the placing of ashes, dirt, garbage or any offensive matter in any highway or public ground or in any body or stream of water within the County, but outside of an incorporated municipality or outside of the one mile limits of any incorporated municipality;
  - 15) To enact ordinances to regulate and compel the cleansing, abatement or removal of any sewer, cesspool or any unwholesome or nauseous thing or place;
  - 16) To license and regulate transient merchants, hawkers, solicitors, peddlers, itinerant vendors and every person retailing tangible personal property or services, unless such business is carried on exclusively within the boundaries of a municipality or is carried on through home solicitation or from a fixed permanent location and place of business in this state where such goods and services are offered on a continuing basis;
  - 17) To enact by ordinance, for any portion of the County which is zoned, certain building codes pursuant to SDCL § 11-10-5;
  - 18) To prohibit or restrict open burning, after consultation with local fire officials and law enforcement officials, in order to protect the public health and safety.

## **ARTICLE II - RULES OF GENERAL CONDUCT**

- 2.1 **General Conduct.** The Pennington County Board of Commissioners places great emphasis and importance upon the proper discharge of their duties and responsibilities. In order to encourage collegiality and respect between Commissioners, and to earn the respect of the residents of Pennington County, the Board adopted the Pennington County Code of Conduct for County Commissioners, Department Heads, Members of all Boards, Commissions, Committees, Task Forces or other Appointed Advisory Groups.

A County Commissioner must respect the chain of command within a County Office or Department and understand the role of a County Commissioner as a policy-making



position as opposed to a Department Head administrator's responsibility of overseeing the day-to-day operations of their Office or Department.

No County Commissioner shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Refer to the Pennington County Code of Conduct adopted December 2, 2014.

### **ARTICLE III – OFFICERS AND STAFF**

- 3.1 Chair and Vice Chair-Election-Vacancy. At the first meeting of the Board of County Commissioners in each year, the Board shall elect a Chair and Vice Chair for a term of one year. The Chair shall continue to serve as Chair until a successor is elected. If there is a vacancy for the Chair or Vice Chair from any cause, the Board shall elect another Chair or Vice Chair. The Chair or, in the Chair's absence, the Vice Chair shall preside at the meetings of the Board and sign all orders and claims approved by the Board. SDCL § 7-8-15.
- 3.2 Election of Chair and Vice Chair – Method and Order. The Board shall, by majority vote, select the method to be used for the election of the Chair and the Vice Chair from the following methods: voice vote (roll call) or ballot. The order of the election shall be to vote for the Chair first and the Vice Chair second.
- 3.3 Chair. Duties and powers shall include the following:
- A. Preside at all official and special meetings of the Board.
  - B. Approve the proposed agenda prepared by the Commission Office Staff. Final approval of the proposed agenda shall be by a majority vote of the Board.
  - C. Affix his/her signature to all contracts, bonds and other documents requiring the signature of the Chair upon approval of the Board.
  - D. Be the ceremonial representative of the County and shall perform such other duties as specified by law or by custom.
  - E. Serve as the oversight of the Commission Office Manager Position.
  - F. The Chair, when approved by majority vote of the Board, shall be authorized to represent the Board as directed.
  - G. Participates in interviewing applicants for positions on the following boards/commissions/etc.:

The Rapid City/Pennington County Air Quality Board, the Pennington County Extension Board, the Pennington County Board of Mental Illness & Board of Review, the Pennington County Housing & Redevelopment Commission, the Pennington County Planning Commission, the Rapid City Public Library Board



of Trustees, the Rushmore Regional Railroad Authority, and the Pennington County Weed & Pest Board.

3.4 Vice Chair. Duties and powers shall include the following:

- A. Preside in the absence of the Chair.
- B. Affix his/her signature to all contracts, bonds, and other documents requiring the signature of the Chair when the Chair is unable to do so because of illness or other exigency which, in the opinion of the Board, prevents the Chair from performing the functions of the office.
- C. Perform such other duties as may be from time to time assigned by the Chair or by a majority vote of the Board.

3.5 Auditor as Clerk of County Commissioners. The County Auditor is the clerk of the Board of County Commissioners and shall keep an accurate record of its official proceedings and carefully preserve all of the documents, books, records, maps, and other papers required to be deposited or kept in his/her office and carefully perform such other acts and duties as are required by law. SDCL § 7-10-1.

3.6 State's Attorney. Opinions and advice to County Officers--Fees. The State's Attorney shall give opinions and advice without fee to the Board of County Commissioners and other civil officers of his County, if requested by the Board or Officers, upon all matters in which the County is interested or relating to the official duties of the Board or Officers. SDCL § 7-16-8.

## **ARTICLE IV - MEETINGS**

4.1 Quorum. A majority of the entire Board of Commissioners shall constitute a quorum for the transaction of the ordinary business of the County. Three Members of the County's five must be present to form a quorum and further, three must vote in agreement in order to take any official action. SD Atty. Gen. Opinion No. 94-15.

An official meeting of the Board is one where a quorum of the Board is present and at which official business of the Board is discussed or decided. In order to avoid an open meetings law violation, no more than two Commissioners may be present and discuss County business without proper notice of a public meeting. Email discussions that include a quorum of a public body and which discuss the official business of that body could be considered a public meeting subject to open meetings law requirements. Email participation solely for the purposes of scheduling matters would not constitute a public meeting.

It is not an official meeting of one political subdivision or public body if its Members provide information or attend the official meeting of another political subdivision or public body for which the notice requirements of § 1-25-1.1 have been met. SDCL § 1-25-1.

Refer to "Conducting the Public's Business in Public: A guide to South Dakota Open Meetings Law" Revised Fall 2017.

- 4.2 Session. A "session" shall mean a period of time that is designated to complete the business of the Board.
- A. Regular Meetings typically occur over a period of one day and are considered as one session which starts when the meeting is called to order and ends when the adjournment is approved by a majority vote.
  - B. Special Meetings may occur over the period of one or more days to complete a session and are considered one session in their entirety.
  - C. Annual Budget Hearings and Board of Equalization Hearings are recessed from day to day and are considered one session in their entirety.
- 4.3 Regular Meetings. Except as otherwise required by law, the regular meetings of the Board shall be held as follows:
- A. The official meetings of the County are open to the public unless a specific law is cited by the County to close the official meeting to the public. SDCL § 1-25-1.
  - B. A "meeting" shall mean the convening of a quorum of the Board of Commissioners for the purpose of deliberating toward or rendering a decision. A "decision" shall mean a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, or measure on which a vote by the Commissioners is required.
  - C. Unless the Board shall otherwise specify, the Board shall meet on the first and third Tuesdays of each month at such time that the Board shall determine. If a regular meeting date shall be a national holiday, the meeting shall be held on the next business day. All other conflicting meeting dates may be rescheduled by a majority vote of the Board including meetings that may conflict with a primary, general or special election date(s).
  - D. All regular meetings of the Board shall be held in the Board of Commissioners Chambers located on the first floor of the County Administration Building, 130 Kansas City Street, in Rapid City, SD unless the Board shall otherwise specify.
  - E. Any official meeting may be conducted by teleconference. A Member is deemed present if the Member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference shall be taken by roll call and recorded in the minutes. SDCL § 1-25-1.
  - F. The Board shall comply with the provisions of the South Dakota Open Meetings Laws as they now or may hereafter exist. All public bodies shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately



preceding any meeting, by posting a copy of the notice, visible to the public, at the principal office of the public body holding the meeting. The proposed agenda shall include the date, time and location of the meeting. The notice shall also be posted on the County's website ([www.pennco.org](http://www.pennco.org)) upon dissemination of the notice. SDCL § 1-25-1.1.

4.4 Special Meetings. A special meeting of the Board shall be held only when:

- A. The Board may, by an approved motion, agree to hold a special meeting provided proper notice is given pursuant to the South Dakota Open Meetings Laws. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to Members of the local news media who have requested notice. For any special or rescheduled meeting, each public body shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. SDCL § 1-25-1.1.
- B. The County Auditor or the Chair of the Board of County Commissioners may call special sessions if the interests of the County demand it by giving three days' notice of the special session by mailing a copy of the notice to each of the County Commissioners at their designated post office addresses. In case of an emergency, a special session may be called by giving one day's notice to each Commissioner by telephone. An emergency for the purpose of this section is an unforeseen occurrence or combination of circumstances that calls for immediate action or remedy. SDCL § 7-8-14.

4.5 Executive or Closed Meetings. Executive session may be held for the sole purposes of:

- (1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor;
- (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- (4) Preparing for contract negotiations or negotiating with employees or employee representatives;
- (6) Discussing information listed in subdivisions SDCL § 1-27-1.5(8) and 1-27-1.5(17).
  - a. SDCL § 1-27-1.5(8)
  - (8) Information pertaining to the protection of public or private property and any person on or within public or private property including:
    - (a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
    - (b) Emergency management or response;
    - (c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

- (d) Computer or communications network schema, passwords, or user identification names;
  - (e) Guard schedules;
  - (f) Lock combinations; and
  - (g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility;
- b. SDCL § 1-27-1.5(17)
- (17) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel;

Any official action concerning such matters shall be made at an open official meeting. An executive or closed meeting shall be held only upon a majority vote of the Members of such body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion. SDCL § 1-25-2.

- 4.6 Board of Adjustment. The Board of County Commissioners having adopted and in effect a zoning ordinance may act as and perform all the duties and exercise the powers of the Board of Adjustment. The Chair of the Board of County Commissioners is Chair of the Board of Adjustment as so composed. The concurring vote of at least two-thirds of the Members of the Board as so composed is necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in the ordinance. SDCL § 11-2-60.
- 4.7 Agenda Preparation. The meeting agenda will be prepared by the Commission Office staff with final approval by the Chair.
- 4.8 Order of Business for Regular Meetings. The order of business is typically conducted as follows:
- A. Call to Order
  - B. Moment of Silent Reflection
  - C. Pledge of Allegiance
  - D. Special Recognitions and/or New Hire Recognition
  - E. Review and Approve Agenda
  - F. Consent Calendar
  - G. Regular Agenda Items



- H. Planning Consent Calendar
- I. Planning Regular Agenda Items
- J. Items from the Chair/Commission Members
- K. Public Comment
- L. \*Executive Session
- M. Adjournment

\*The preferred practice of the Board of Commissioners is to proceed thru the agenda in the order it was published. The Board may, depending upon timing, move to address any items, including Executive Session, out of published order upon a majority vote of the Board.

If the typical structure of the meeting agenda presents a timing challenge to meet advertised start times, the Commission Staff may move the order of agenda items to accommodate other items to fulfill the timing challenges.

4.9 Consent Agenda. The Board may use a Consent Agenda under the following conditions:

- A. The Commission Office Manager, with input from staff, determines which items shall be considered on the Consent Agenda.
- B. The Consent Agenda is read into the record for full public notice by the Commission Office Manager, Commission Office Staff or the Board Chair.
- C. The Board Chair shall inquire as to whether any Commissioner or citizen desires to remove an item from the Consent Agenda. Any Consent Agenda item(s) that are requested to be removed shall be discussed prior to any regular agenda items and be voted on separately.
- D. There shall be no discussion of any individual item on the Consent Agenda. If a request for discussion or a question is raised concerning a Consent Agenda item before the vote, that item shall be removed from the Consent Agenda, discussed and voted on separately.

4.10 Preparation and Publication of Minutes. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. Archived minutes shall be available by the Auditor for public inspection. SDCL § 1-27-1.17.

The minutes shall be published in the three legal newspapers as designated by the Board of Commissioners each year. The Board shall publish a full and complete report of all its official proceeding at all regular and special meetings and shall publish proceedings as soon after any meeting as practical. SDCL § 7-18-3.

Such report shall be made out and transmitted within one week from the time such meeting is held. SDCL § 7-18-5.

Robert's Rules of Order states that a Member's absence from the meeting for which minutes are being approved does not prevent the Member from participating in their correction or approval. (Robert's Rules, 11<sup>th</sup> ed., p. 355.)

- 4.11 Video Recording. Each meeting shall be recorded, archived and placed on the County's website for public viewing within 24 hours of a completed meeting unless technical issues occur.

Refer to the County's Video Recording Policy for specific details.

## **ARTICLE V - MEETING PROCEDURES**

- 5.1 Parliamentary Procedure. Robert's Rules of Order, Newly Revised, 11th Edition, including any updates or amendments thereto, shall govern the Board on all of their deliberations except as modified by majority vote of the Board.

- A. The Board shall not adopt the portion that precludes discussion of issues by the Chair or precludes the Chair from voting except where there is a tie vote.
- B. Reconsideration of Action Taken by the Board. Any Member of the Board voting on the prevailing side of an item may move for reconsideration of that item before adjournment of the scheduled meeting at which the item was originally voted upon. A second motion for reconsideration requires the unanimous consent of the Board.

Any Member of the Board voting on the prevailing side of an item may give notice of intent to move for reconsideration before adjournment of the scheduled meeting at which the item was originally voted upon. The effect of giving notice of intent to reconsider is to hold in abeyance the finality of the vote. The Board Member who gave notice may move for reconsideration not later than the next regularly scheduled Board meeting. The matter subject to the notice of intent to reconsider shall be placed on the Board agenda for the next regularly scheduled meeting. If any Member has given notice of intent to move for reconsideration and does not move for reconsideration of that item at the time the item comes up at the next scheduled meeting, the presiding officer shall immediately state that any Member voting on the prevailing side may move for reconsideration. No motion to reconsider the same item may be made twice without unanimous consent of the Board.

Prevailing side is defined as a Member voting with the majority on an approved motion or a Member who voted against the motion and the motion was defeated.

Example A: A motion to approve an item carries on a 3 to 2 vote. A Member of the 3 is on the prevailing side.

Example B: A motion to deny an item carries on a 3 to 2 vote. A Member of the 3 is on the prevailing side.

Likewise, if the motion in either Example A or B fails because it did not receive a majority vote, those Members who voted against the motion are on the prevailing side and the motion is disposed of without adoption.

5.2 Voting. The voting procedure shall be as follows:

- A. Tie vote of Commissioners. When the Board of County Commissioners is equally divided on any question, it shall defer a decision until the next meeting of the board and the matter shall then be decided by a majority of the Board. SDCL § 7-8-18.
- B. The Chair shall be permitted to vote on all questions.
- C. Except as otherwise provided by statute or rule, all questions shall be determined by the majority vote of the Commissioners. Further, three must vote in agreement in order to take any official action. (Atty. Gen. Opinion No. 94-15.)
- D. All votes shall be made in open session and duly recorded by the Auditor.
- E. If a Member intends to abstain, their intention shall be stated immediately after the Chair announces the agenda item. A Member who chooses to abstain shall not participate in the discussion or vote on the agenda item. Although it is the duty of every Member who has an opinion on a question to express it by his/her vote, the Member can abstain, since they cannot be compelled to vote. (Robert's Rules, 11th ed., p 407.) The abstention is noted in the minutes but not as a "yes" or "no" vote. To "abstain" means not to vote at all. (Robert's Rules, 11th ed., p 45.)
- F. Any Member of the Board may call for a roll call vote for any motion.
- G. The Chair will state the vote tally including "no vote heard from (Commissioner Name)" and report the vote of the other Members. Any disagreement shall be discussed immediately after the Chair announces the vote.

5.3 Conflict of Interest. No County, municipal, or school official may participate in discussing or vote on any issue in which the official has a conflict of interest. Each official shall decide if any potential conflict of interest requires such official to be disqualified from participating in discussion or voting. However, no such official may participate in discussing or vote on an issue if the



following circumstances apply:

- (1) The official has a direct pecuniary interest in the matter before the governing body; or
- (2) At least two-thirds of the governing body votes that an official has an identifiable conflict of interest that should prohibit such official from voting on a specific matter.

If an official with a direct pecuniary interest participates in discussion or votes on a matter before the governing body, the legal sole remedy is to invalidate that official's vote. SDCL § 6-1-17

Pursuant to SDCL § 6-1-17, a Board Member is prohibited from discussing or voting on an issue in which such Member has a conflict of interest. If a Board Member has a ***potential pecuniary or personal*** conflict of interest, such Member shall disclose the potential conflict to the Board prior to consideration of the agenda item. Each Board Member must decide whether a potential conflict of interest disqualifies such Member from participating in the Board discussion or voting. If a Board Member believes he/she has a conflict, such Member shall recuse himself/herself. Upon disclosure, if a Board Member believes the potential conflict does not require recusal, the Board should then consider whether a conflict of interest exists. A vote of at least two-thirds of the Board is required in the finding of a conflict of interest.

As stated in SDCL 6-1-17, a Board Member ***must*** recuse himself/herself where there is a direct pecuniary interest. A direct pecuniary interest is one that benefits property owned by the Board Member or affords the Member a direct financial gain. An indirect pecuniary interest that may create a conflict of interest is one that financially benefits one closely tied to the Board Member, such as an employer or family Member. A personal interest is a matter of great importance to a Member or blood relative/close friend or a matter in which a Member's individual judgment may be affected because of Membership in an organization.

Where a conflict of interest exists, a Board Member shall not participate in the Board discussion, any executive session, or any vote on the agenda item. If a Board Member has a conflict of interest and chooses to participate in the discussion, the Member should leave the dais and speak on the item from the audience as a Member of the public.

- 5.4 Information Disclosure. An elected or appointed County Officer may receive and consider relevant information from any source to perform the duties of office. An elected or appointed County Officer may rely on his or her own experience and background on any official matters, subject to the applicable law and rule concerning recusal and disqualification of a Public Officer. SDCL § 6-1-18.

Any public hearing or meeting conducted by an elected or appointed County Officer regarding a quasi-judicial matter as defined in subdivision 1-32-1(10) may be conducted informally to secure the information required to make a decision. The



formal rules of procedure and evidence do not apply to the conduct of the public hearing or meeting. **IF AN OFFICER RELIES UPON ANY EVIDENCE NOT PRODUCED AT A PUBLIC HEARING OR MEETING, THE OFFICER SHALL DISCLOSE THE EVIDENCE PUBLICLY AND INCLUDE THE INFORMATION IN THE PUBLIC RECORD TO AFFORD ALL PARTIES AN OPPORTUNITY TO RESPOND OR PARTICIPATE.** Failure to make this disclosure may be grounds for the County Officer's disqualification for that particular decision, pursuant to the grounds for disqualification pursuant to § 6-1-21. SDCL § 6-1-20. (Emphasis added).

Note: Every effort shall be made by the Member(s) to submit any such information directly to the Commission Office for dissemination at least 24 hours prior to the public meeting at which the information is to be considered.

- 5.5 Citizen Participation. The Chair of the public body shall reserve at every official meeting by the public body a period for public comment, limited at the Chair's discretion, but not so limited as to provide for no public comment. SDCL § 1-25-1. A time will be reserved at each regularly scheduled meeting for Members of the public to discuss or express concerns to the Board on policies and issues affecting County government and its function. Action will not be taken during public comment on any issues brought forth that are not a properly noticed agenda item.

Any written comments or documents a citizen wishes the Board to consider regarding a properly noticed agenda item shall be directly submitted to the Commission Office at least 24 hours in advance or sooner to allow for the Members to give meaningful consideration to the information. Any written comments or documents submitted after this deadline will be considered only at the discretion of the Members.

Any citizen may comment upon agenda items prior to the taking of a vote thereon. Speakers other than Members, after being recognized by the Chair, shall approach the podium and identify themselves by name for the record before proceeding to address the Board. All comments must be directed towards the motion on the floor.

If the Board anticipates a large number of citizens wishing to speak, it may choose to limit the time for each speaker. Provisions may be made so that extra time may be given, should the Board consider it necessary. The Board encourages lengthy comments to be submitted in written form 24 hours prior to the start of the meeting for meaningful consideration.

- 5.6 General Meeting Conduct. No Member nor other person shall speak until duly recognized by the Chair; if a Member or other person speaks without being recognized by the Chair, he/she shall immediately cease speaking if ruled out of order. During public meetings, Members shall not send, or receive and review electronic messages pertaining to the meeting unless disclosed as part of the meeting for public review.

- 5.7 Preservation of Order by County Board--Enforcement of obedience to orders. The Board of County Commissioners may preserve order when sitting as a board. The board may enforce obedience to all its orders by attachment or other compulsory process. SDCL § 7-8-19.

Disruptive behavior or personal attacks of any kind will not be tolerated by citizens or Board Members alike. Citizens or Board Members acting accordingly may be removed from the meeting.

## **ARTICLE VI – COMMITTEES**

- 6.1 Committee/Liaison Assignments. Current and incoming County Commissioners shall submit a completed interest form to the Commission Office Manager indicating their preferred Committee assignments prior to the start of the New Year. The requests shall be reviewed by the Commission Office Manager and Chair. All appointments shall be made by the Chair and shall be presented in a public meeting the second regular meeting in January of each year. A Commissioner who is appointed as liaison to a board, commission, committee or other advisory group is expected to attend the meetings and act as a conduit of information back to the Board of Commissioners.
- 6.2 Committee/Liaison Meetings. Committee Meetings are publicly noticed via the Commissioner's Weekly Meeting Schedule. In addition, meetings are shown on the Board of Commissioners calendar published on the County's website at [www.pennco.org](http://www.pennco.org). Any one or all of the Commissioners may attend any of the properly noticed meetings hosted by another entity.
- 6.3 Special (Ad Hoc) Committees. The Board may establish from time to time such special committees as are deemed necessary which shall only be advisory in nature. The purpose shall be determined at the time the special committee is established. A special committee may report recommendations to the Board for appropriate action and shall be automatically dissolved when its specific task is completed.
- 6.4 Special (Ad Hoc) Committee Recommendations. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body. SDCL § 1-27-1.18.



## **ARTICLE VII – OTHER GENERAL PROCEDURES**

- 7.1 Travel/Mileage Allowance. The County Commissioners shall be paid traveling expenses for each mile traveled in the discharge of their official duties. For the purpose of this section, traveling expense incurred by County Commissioners to attend meetings in the State of South Dakota, called for the purposes of instructing or exchange of information pertaining to County Officers and government, are miles traveled in the discharge of their official duties. SDCL § 7-7-4.
- A. A Commissioner may elect not to be reimbursed for travel expenses.
  - B. Travel reimbursement requests per fiscal year shall be submitted quarterly to the Commission Office Staff.
  - C. Commission travel is subject to the same travel policies and regulations that are utilized by all County employees and is subject to majority Board approval.
  - D. Commissioners serving in their last ninety (90) days in office shall not be reimbursed for travel for educational or conference expenses.
  - E. Any travel outside of the course of normal discharge of official duties shall be presented to the Commission for approval prior to completion.

## **ARTICLE VIII - AMENDMENTS**

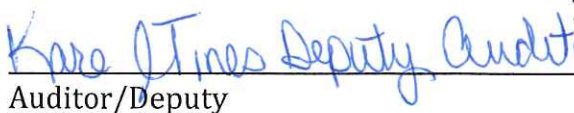
- 8.1 Review of Bylaws. The Board shall review the Bylaws in January of each year at a regularly scheduled Commission meeting.
- 8.2 Procedure to Modify Bylaws. These Bylaws and Rules may be amended, altered, changed, added to or repealed by the affirmative vote of a majority of the Members of the entire Board at any regular or special meeting, provided notice of the intention to amend has been included on the agenda.

The Bylaws and Rules are adopted by the Pennington County Board of Commissioners this 21 day of Jan, 2020.

  
Deb Hadcock, Chair

PENNINGTON County Board of Commissioners

ATTEST:

  
Auditor/Deputy

